

FILED IN THE
UNITED STATES
BANKRUPTCY COURT
2009 OCT 14 PM 12:38
DISTRICT OF UTAH
MAIL

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IN THE UNITED STATES BANKRUPTCY COURT

DISTRICT OF UTAH

IN RE:)	
Christopher and Kimberly Hendry,)	MOTION FOR RELIEF FROM
Debtor(s).)	AUTOMATIC STAY
)	Bankruptcy No. 09-29124-JAB
)	Chapter 7
)	

COMES NOW Bank of the West., hereinafter referred to as "Movant" and moves the Court for an Order lifting the Automatic Stay provisions of 11 USC Section 362 with respect to the Debtor's collateral described herein, and in support thereof represents as follows:

1. Debtor(s) are in a chapter 7
2. This Court has jurisdiction of this Motion by virtue of 11 USC Section 105, 361 and 362 and 28 USC Sections 157 and 1334.
3. Movant is the owner and holder of an Installment Sale and Security Agreement, ("Agreement"), executed by Debtors for the purchase of the below described collateral.
4. Movant is secured under the Agreement by a properly perfected first lien security interest in Debtor's 2007 Keystone RV Mountaineer fifth wheel Trailer, VIN#4YDF319217M730544. A true and correct copy of the Certificates of Title showing Movant

as lien holder is attached hereto as Exhibit "A" and by this reference made a part hereof.

5. The Debtor(s) have defaulted in their payments under the agreement and the total amount due and owing Movant is \$25,319.68 together with after accruing interest, attorney's fees and costs.

6. The Automatic Stay Provision should be lifted for cause pursuant to 11 USC Section 362 (d)(1) in that the Movant lacks adequate protection of its interest in the collateral as evidenced by the following:

a. Debtor has defaulted under the terms of the Purchase Agreement by failing to make the payments when due and owing thereunder.

b. The collateral is in the state of decline and continues to decline, however Debtor is failing and refusing to make payments thereon.

c. Debtor is unable to show that the vehicle is properly and fully insured.

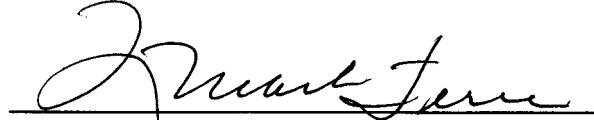
7. Movant alleges that the Automatic Stay should also be lifted for cause pursuant to 11 USC Section 362 (d)(2) in that the Debtor has no equity in the collateral and it is not necessary for any effective reorganization. The value of the collateral is not more than \$20,995.00 for the collateral, which is less than the total debt owed to Movant as shown on the NADA Value sheet attached hereto as Exhibit B and by this reference made a part hereof.

8. For the above reason, Movant asserts cause exists to waive the requirements of Bankruptcy Rule 4001(a)(3), allowing the stay lift order to be effective upon entry.

WHEREFORE, Movant moves the Court for an Order Lifting the Automatic Stay provisions of 11 USC Section 362 as to allow the Movant to proceed with repossession proceedings under the agreement, and with all of its rights and remedies pursuant to the law and pursuant to the

agreements between the parties. In the alternative, Movant asks the Court to order adequate protection of the Movant's interest as this Court may deem proper.

DATED this 7TH day of October 2009.



L. MARK FERRE
Attorney for Movant

Mailing Certificate

I Certify that on the 13 Day of October, 2009, I mailed a copy of the foregoing along with the Notice of Hearing on said motion by first class US Mail, with postage prepaid to the following:

Christopher and Kimberly Hendry
4669 Wallace Lane
SLC, Ut 84117

Duane Gillman
PO Box 4050
SLC, Ut 84110

Paul Toscano
10 Exchange Pl. #614
SLC, Ut 84111



L. Mark Ferre

9/25/2009



Travel Trailers/Fifth Wheels
2007 KEYSTONE RV MOUNTAINEER FIFTH WHEEL SERIES M-319 BHD



Weight: 9,980
Model: M-319 BHD
Length/Width: 35' x 8'
Axles: 2
Self-Contained: YES
Slides: 2
Suggested List: \$40,824

Reference Number:

PRICING

	<u>Used Wholesale-Trade In</u>	<u>Used Retail</u>
Base Price	\$20,070	\$26,240
Options		
APPLIANCES		
Water Heater 10 Gallon Gas/Elec. w/DSI	\$250	\$325
MISCELLANEOUS OPTIONAL EQUIPMENT		
Ceiling Fan	\$85	\$110
Fuel Station	\$475	\$625
Power Roof Vent	\$115	\$155
TOTAL PRICE	\$20,995	\$27,455

Notes

PRICES INCLUDE AIR CONDITIONER, AWNING, STABILIZER JACKS, MICROWAVE, AM/FM CASSETTE STEREO AND WATER HEATER W/DSI. CHALLENGER AND HORNET PREVIOUSLY LISTED UNDER DAMON CORPORATION.

Next Steps

Get another price

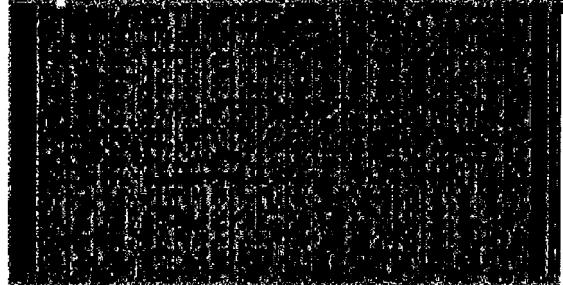
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UTAH JUDGE'S CERTIFICATE OF ATTACHMENT

SEARCHED [REDACTED]

INDEXED [REDACTED]

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